

Arrest on Out-of-District Offense

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

ARREST ON OUT-OF-DISTRICT OFFENSE

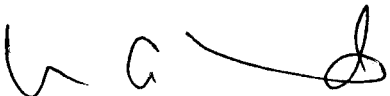
Magistrate Case Number: '08 MJ 8723

The person charged as Arturo BARRERA-Samano; AKA: Arturo Barriera Zamano, now appears before this United States District Court for an initial appearance as a result of the following charges having been filed in the United States District Court for the Central District of California with Illegal Alien in Possession of a Firearm in the United States, in violation of Title 18, United States Code, 922(g)(5).

The charging documents and the warrant of the arrest of the defendant which was issued by the above United States District Court are attached hereto.

I hereby swear under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.


DATED: August 13, 2008.



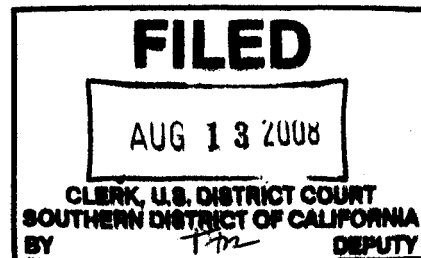
MARCO A. MIRANDA
SENIOR BORDER PATROL AGENT
(Name)

Reviewed and Approved:

Dated: August 13, 2008



JOHN F. WEIS
Assistant United States Attorney



ORIGINAL

United States District Court

CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

v.

ARTURO BARRERA-SAMANO

aka Arturo Barriera Zamano

WARRANT FOR ARREST

ON COMPLAINT

CASE NUMBER:

98-2642-M

To: The United States Marshal or any
Authorized United States OfficerYOU ARE HEREBY COMMANDED to arrest ARTURO BARRERA-SAMANO

Name

and bring him or her forthwith to the nearest Judge/Magistrate to answer a
complaint charging him or her with: Illegal Alien in Possession of a
Firearm in the United Statesin violation of Title 18 United States Code, Section 922(g)(5)with Bail fixed at \$ by Duty Magistrate Judge
REC: BY AUSA

DETENTION

Date: October 27, 1998ANN JONES

Name of Judge/Magistrate Judge

Allen Speer
Signature of Judge/Magistrate JudgeRECEIVED
U.S. MARSHAL SERVICE
LOS ANGELES, CALIF.

98 OCT 27 2:00

RETURN

This warrant was received and executed with the arrest of the above-named
defendant at Calexico, CA

DATE RECEIVED

8/10/08

NAME & TITLE OF ARRESTING OFFICER

MARCO A. MIRANDA

SIGNATURE OF ARRESTING OFFICER

Allen Speer

DATE OF ARREST

8/10/08

Border Patrol Agent

UNITED STATES DISTRICT COURT		CENTRAL DISTRICT OF CALIFORNIA	
UNITED STATES OF AMERICA		CLERK, U.S. DISTRICT COURT DOCKET NO. 98-231958 MAGISTRATE'S CLERK 98-2642M CENTRAL DISTRICT OF CALIFORNIA DEPUTY	
v. ARTURO BARRERA-SAMANO, aka Arturo Barrera Zamano			
Complaint for violations of Title 18, United States Code, Section 922(g)(5)			
NAME OF MAGISTRATE JUDGE ANN JONES		UNITED STATES MAGISTRATE JUDGE	LOCATION Los Angeles, CA
DATE OF OFFENSE July 7, 1998	PLACE OF OFFENSE Los Angeles County	ADDRESS OF ACCUSED (IF KNOWN)	
COMPLAINANT'S STATEMENT OF FACTS CONSTITUTING THE OFFENSE OR VIOLATION: On or about July 7, 1998, in Los Angeles County, within the Central District of California, defendant ARTURO BARRERA-SAMANO, who was then an alien illegally and unlawfully in the United States, knowingly possessed a firearm, namely, a model 94, 30/30 Winchester Rifle, serial number 4012040, in and affecting interstate and foreign commerce.			
BASIS OF COMPLAINANT'S CHARGE AGAINST THE ACCUSED: (See attached affidavit which is incorporated as part of this Complaint)			
MATERIAL WITNESSES IN RELATION TO THIS CHARGE:			
Being duly sworn, I declare that the foregoing is true and correct to the best of my knowledge.		SIGNATURE OF COMPLAINANT ROY CASAS 151	
		OFFICIAL TITLE Special Agent - Immigration and Naturalization Service (INS)	
Sworn to before me and subscribed in my presence,			
SIGNATURE OF MAGISTRATE JUDGE(1)		ANN I. JONES	
		DATE October 23, 1998	

1) See Federal Rules of Criminal Procedure rules 3 and 54

LAR:bat REC:DETENTION (Warrant)

A F F I D A V I T

I, Roy Casas, being duly sworn, do hereby depose and say:

1. I am a Special Agent ("SA") with the United States Department of Justice, Immigration and Naturalization Service ("INS"), and have been so employed since 1997. I am currently assigned to the Los Angeles District Office.

2. This affidavit is made in support of a complaint against and an arrest warrant for ARTURO BARRERA-SAMANO ("BARRERA-SAMANO"), aka Arturo Barrera Zamano, for a violation of Title 18, United States Code, Section 922(g)(5): Illegal Alien in Possession of a Firearm in the United States.

3. On or about October 19, 1998, I reviewed a superseding indictment in case number 98-CR-280 from the Northern District of Illinois, Eastern Division, and learned the following:

a. A February 1998 grand jury in the Northern District of Illinois, Eastern Division, indicted BARRERA-SAMANO for Conspiracy to Defraud the United States, in violation of Title 18, United States Code, Section 371; Knowingly Transferring False Identification Documents, in violation of Title 18, United States Code, Section 1028(a)(2); Knowingly Possessing Five or More False Identification Documents, in violation of Title 18, United States Code, Section 1028(a)(3); Knowingly Possessing False Identification Document-making Implements, in violation of

Title 18, United States Code, Section 1028(a)(5); Knowingly Possessing False Identification Documents, in violation of Title 18, United States Code, Section 1028(a)(6); and Fraud and Misuse of Visas and Other Documents, in violation of Title 18, United States Code, Section 1546(a).

b. BARRERA-SAMANO was indicted on the aforementioned charges along with three other co-defendants: Ramon Morales-Nunez, Daniel Rivera-Suarez, and Ramon Dominguez-Herrera.

4. On or about October 19, 1998, I reviewed the warrant for arrest of BARRERA-SAMANO, issued by the United States District Court, in the Northern District of Illinois, Eastern Division, on June 18, 1998.

5. On July 7, 1998, Supervisory Special Agent ("SSA") Aaron Wilson told me the following:

a. On July 7, 1998, SAs from the INS Los Angeles Fraud Section's Counterfeit Document Unit found and arrested BARRERA-SAMANO pursuant to the June 18, 1998 arrest warrant. BARRERA-SAMANO was arrested at his residence, located at 39532 Hawthorne Street, Palmdale, California.

b. INS agents searched the residence located at 39532 Hawthorne Street, Palmdale, California, pursuant to consent from BARRERA-SAMANO, who owned the property.

c. During the search of BARRERA-SAMANO's residence, a

model 94, 30/30 Winchester Rifle, serial number 4012040, was found on the mantle of the master bedroom.

6. On October 23, 1998, ATF SA Scott Sweetow informed me that Winchester Rifles are not manufactured in California. These rifles are only manufactured in New Haven, Connecticut. Therefore, it is his professional opinion that the rifle traveled in interstate commerce.

7. On July 7, 1998, I observed BARRERA-SAMANO being processed by INS for administrative and criminal proceedings.

8. On October 19, 1998, SSA Wilson told me that on July 9, 1998, he read BARRERA-SAMANO his Miranda warning in the Spanish language. SSA Wilson further informed me that BARRERA-SAMANO waived his rights and agreed to give a statement to SSA Wilson. BARRERA-SAMANO told SSA Wilson the following:

- a. He understood his rights.
- b. He knew what he said could and would be used against him in criminal and immigration court.
- c. He stated that he wanted to help with the case because he knew he must pay for what he did.
- d. He stated that he had been advised that no promises have been made to him at any time concerning his assistance.
- e. He understood that he would have to spend time in

jail for the counterfeit identification documents he sold and also for possessing the rifle found in his house.

f. He admitted that the rifle found in his house is his.

g. He is a citizen of Mexico.

h. He does not have a legal right to be or remain in the United States.

i. He was born in Mexico City, Distrito Federal, Mexico on December 9, 1969, and is 28 years old.

j. He last entered the United States illegally on or about April 1995, near San Ysidro, California.

k. He did not present himself for inspection to an immigration officer at that time.

l. He had previously used the following names: Jose Alberto Sanchez and Gordo.

m. The rifle that was found in his home was given to him by his uncle about three or four years ago.

n. BARRERA-SAMANO kept the weapon as a decoration for his master bedroom, and has not used or registered it since it was given to him by his uncle.

o. He knew having the weapon was against the law and believed he could face up to ten years in jail for it.

9. On October 19, 1998, I searched the INS Central Index

System (CIS) in an attempt to find an Immigration record for BARRERA-SAMANO. No record was found for BARRERA-SAMANO. Based on my training and experience, I know that if BARRERA-SAMANO had immigration status in the United States, there would be a file for him within CIS.

10. Based on the foregoing, I believe that there is probable cause to believe that ARTURO BARRERA-SAMANO is in violation of Title 18, United States Code, Sections 922 (g) (5): Illegal Alien in Possession of a Firearm in the United States.

151
Roy Casas
Special Agent - INS

Subscribed and sworn to before me
this 23 day of October, 1998.

ANNI JONES
UNITED STATES MAGISTRATE JUDGE